

Before the
Federal Communications Commission
Washington, DC 20554

In the matter of:

Request for Review and/or Waiver Related to
USAC Denial of Funding Requests Filed
By the Essex County Vocational School District

Schools and Libraries Universal
Support Mechanism

CC Docket No. 02-6

**REQUEST FOR REVIEW AND/OR WAIVER
BY THE ESSEX COUNTY VOCATIONAL SCHOOL DISTRICT
OF A FUNDING DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ the Essex County Vocational School District² (Essex Tech) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to deny payment of its funding year 2015 funding requests. For the reasons set forth below, the Wireline Competition Bureau (Bureau) should grant this appeal, and/or any waivers necessary or warranted, and reverse USAC's Commitment Adjustment.³

¹ 47 C.F.R. § 54.719(b), (c); 47 C.F.R. § 54.722(a).

² BEN 151489.

³ The associated FRN is detailed in the background section of this appeal.

I. Executive Summary

Essex Tech filed a FY 2015 Form 470 requesting phone service for 240 lines. After selecting the existing service was the most cost-effective phone service offering, Essex Tech filed Funding Request Number 2824189 on Form 471 # 1037270. USAC approved the request, and Essex Tech received reimbursement in October 25, 2016. USAC issued a Commitment Adjustment letter on April 28, 2017, stating that Essex Tech's Form 470 did not include the service in this FRN.

However, the Form 470 did in fact contain a request for local and long distance phone service, and so Essex Tech requests that the Commitment Adjustment be rescinded, or the Recovery rules waived so that Essex Tech is not punished for unclear rules.

II. Background

On February 25, 2016, Essex Tech filed Form 470 #333380001288695 online. That form included a request for bids for local and long distance telephone service. Since Essex Tech expected to switch local phone service to VoIP for FY 2015, the Form 470 listed VoIP as the preferred method of local/long distance service. Essex Tech then accepted bids for 28 days.

In keeping with the Commission's principle of competitive and technological neutrality, the district considered all bids for local and long distance telephone service, regardless of the technology used to deliver the service. The district received two bids for local and long distance telephone service, and considered its existing service as a bid.

On April 16, 2015, Essex Tech filed Form 471 #1037270 online. Included on that form was including FRN 2824189, requesting up to \$55,770.62 in funding for local telephone service. The FRN was approved in full on September 4, 2015.

On April , 2016, Form 471 # 1037270 was subjected to an extraordinary retroactive Selective Review, and FRN 2824189 was questioned because it included service that was not on the Form 470. After Essex Tech provided all the requested documentation and explained the technological neutrality of its competitive bidding process, the review was closed in July 2016.

On October 20, 2016, Essex Tech submitted a Form 472, Invoice ID 2456031, requesting reimbursement of \$54,658.64. The requested amount was disbursed on October 28, 2016.

On April 28, 2017, Essex Tech received a Commitment Adjustment Letter, notifying the district that the commitment for FRN 2824189 had been reduced to \$0.

The district filed an appeal of the COMAD on June 26, 2017 and confirmed that the appeal was received, and the Recovery process paused. The next notification was a Second Demand Payment Letter sent on August 29, 2017 to the District Business Administrator, not the Form 471 Contact. Subsequently, Essex Tech was told that USAC issued an Administrator's Decision on Appeal on July 26, 2017. That letter was not received.

III. Essex Tech Should Have Funding for FRN 2824189 Restored Because It Conducted a Technologically Neutral Competitive Bidding Process Which Was Approved by USAC

Essex Tech complied with the E-Rate program's rules for competitive bidding and conducted a technologically neutral selection process. USAC scrutinized that selection process and approved the funding. USAC's reversal of its earlier decision is in direct conflict with the Commission's principle of technological neutrality.

IV. In the Alternative, a Waiver of the Recovery Process is in the Public Interest

After funding had been committed and disbursed, USAC apparently made a change in policy, and decided to deny the FRN without requesting any input from the district. Such a change should not be applied retroactively, particularly without giving an applicant an opportunity to respond.

It is quite harmful for Essex Tech to have USAC change policy after reimbursement and seek recovery of funds.

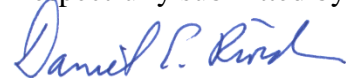
Essex Tech made a good-faith effort to comply with the FCC's competitive bidding rules. It considered all bids for local and long distance, including from VoIP providers.

It is not in the public interest to seek recovery of funds from an applicant which tried to comply with the rules, and was told by USAC that it had complied, only to be told later that the rules had changed.

V. Conclusion

For the foregoing reasons, the Bureau should grant Essex Tech's request for appeal, or, in the alternative, its request for waiver. The Bureau should also grant a waiver of any other rules as necessary to effectuate a grant of this appeal.

Respectfully submitted by:



Daniel E. Riordan
On-Tech Consulting, Inc.
53 Elm Place
Red Bank, NJ 07701-1916
Phone: 732-530-5435
Fax: 732-530-0606
Email: dan@on-tech.com

September 24, 2017

List of Exhibits

Exhibit 1 Form 470 #333380001288695

Exhibit 2 Form 471 #1037270

Exhibit 3 COMAD letter

Exhibit 4 Appeal to USAC

Exhibit 5 USAC appeal decision

Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours per Response: 3 hours

This form is designed to help you describe the eligible services you seek so that this data can be posted on the Fund Administrator Internet Site and interested service providers can identify you as a potential customer and compete to serve you.
Please read instructions before beginning this form.

Form 470 Application Number: 333380001288695	Applicant's Form Identifier: ESSX-15-01
Application Status: CERTIFIED	Posting Date: 02/25/2015
Allowable Contract Date: 03/25/2015	Certification Received Date: 02/25/2015

Block 1: Applicant Address and Information

1 Name of Applicant:
ESSEX COUNTY VOCATIONAL SCHOOLS

2 Funding Year: 2015 (Funding years run from July 1 through the following June 30)

3 Entity Number: 151489

4a Street Address, P.O.Box, or Route Number:
60 NELSON PL

City: NEWARK State: NJ Zip Code: 07102 -0000

4b Telephone Number: (973) 412 -2050

4c Fax Number: (973) 412 -2100

5a Eligible Entities That Will Receive Services:
Check the ONE choice in 5a that best describes the eligible entities that will receive the services described in this form. You will then list in Item 15 the entity/entities that will pay the bills for these services.

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services - Check all that apply:

☐ Private ☒ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

5c Number of eligible entities for which services are sought: 5

Block 1: Applicant Address and Information (continued)

6a Contact Person's Name:
Daniel E. Riordan

If the Contact Person's Street Address is the same as Item 4a above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O.Box, or Route Number:
NOTE: USAC will use this address to mail correspondence
53 Elm Place

City: Red Bank State: NJ Zip Code: 07701

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

☐ 6c Telephone Number: (732) 530 -5435

☐ 6d Fax Number: (732) 530 -0606

☒ 6e E-Mail Address: essx15@on-tech.com

Re-enter E-mail Address: essx15@on-tech.com

If a consultant is assisting you with your application process, please complete Item 7 below:

7 Consultant Name: Dan Riordan

Name of Consultant's Employer: On-Tech Consulting Inc

Consultant's Street Address: On-Tech Consulting Inc
53 Elm Place

City: Red Bank State: NJ Zip Code: 07701

Consultant's Telephone Number: (732) 530-5435 Ext. 0

Consultant's Fax Number: (732) 530-0606

Consultant's E-mail Address: dan@on-tech.com

Re-enter E-mail Address: dan@on-tech.com

Consultant Registration Number: 16043646

Entity Number: 151489	Applicant's Form Identifier: ESSX-15-01
Contact Person: Daniel E. Riordan	Phone Number: (732) 530-5435

Block 2: Summary Description of Needs or Services Requested

8 Category One: Internet Access and/or Telecommunications

If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: <http://on-tech.com/docs/ESSX-15-01.html>

or via (check one) ☐ the contact person in Item 6 or ☐ the contact person listed in Item 12

Your RFP Identifier:

b ☐ NO, I have not released and do not intend to release an RFP for any of these services.

Whether you check YES or NO, you must list below the Internet access and/or telecommunications you seek. Specify each service (e.g., voice service, monthly Internet access service, etc) and quantity and/or capacity (e.g., for voice service, 20 existing lines plus 10 new ones, or for monthly Internet access service, for 500 users).

Service	Quantity and/or Capacity
Cell phone service	40 phones
Digital transmission service	Please quote 200 Mbps and 1 Gbps, fully meshed MPLS: 300 North 13th Street Newark, 620 Passaic Avenue West Caldwell, 91 West Market Street Newark, 60 Nelson Pl Newark, 209 Franklin St Bloomfield
Internet access	Please quote 200 Mbps and 1 Gbps to: 300 North 13th Street Newark, 620 Passaic Avenue West Caldwell, 91 West Market Street Newark, 60 Nelson Pl Newark, 209 Franklin St Bloomfield
VoIP phone service with 911/e911 service	240 lines

9 [Reserved]

Entity Number: 151489		Applicant's Form Identifier: ESSX-15-01							
Contact Person: Daniel E. Riordan		Phone Number: (732) 530-5435							
10 Category Two: Internal Connections and Managed Internal Broadband Services									
<p><i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>									
<p>a <input checked="" type="checkbox"/> YES, I have released or intend to release an RFP for one or more of these services. It is available or will become available on the Internet at: http://on-tech.com/docs/ESSX-15-01.html</p> <p>or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>									
<p>b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for any of these services.</p>									
<p>Whether you check YES or NO, you must list below the Internal Connections and Managed Internal Broadband Services you seek. Specify each service (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students).</p>									
<table border="1"> <thead> <tr> <th>Service</th> <th>Quantity and/or Capacity</th> </tr> </thead> <tbody> <tr> <td>Wireless access points</td> <td>57 - 802.11ac Wave 2 with multigigabit Ethernet ports, fully compatible with existing Cisco infrastructure</td> </tr> <tr> <td>Network switches</td> <td>15 modular switches with 48 multigigabit POE+ ports to support 802.11ac Wave 2 access points, fully compatible with existing Cisco infrastructure</td> </tr> </tbody> </table>				Service	Quantity and/or Capacity	Wireless access points	57 - 802.11ac Wave 2 with multigigabit Ethernet ports, fully compatible with existing Cisco infrastructure	Network switches	15 modular switches with 48 multigigabit POE+ ports to support 802.11ac Wave 2 access points, fully compatible with existing Cisco infrastructure
Service	Quantity and/or Capacity								
Wireless access points	57 - 802.11ac Wave 2 with multigigabit Ethernet ports, fully compatible with existing Cisco infrastructure								
Network switches	15 modular switches with 48 multigigabit POE+ ports to support 802.11ac Wave 2 access points, fully compatible with existing Cisco infrastructure								
11 Category Two: Basic Maintenance of Internal Connections									
<p><i>If you check YES to indicate you have a Request for Proposals (RFP) that specifies the services you are seeking, your RFP must be available to all interested bidders for at least 28 days. If your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.</i></p>									
<p>a <input checked="" type="checkbox"/> YES, I have released or intend to release an RFP for these services. It is available or will become available on the Internet at: http://on-tech.com/docs/ESSX-15-01.html</p> <p>or via (check one) <input type="checkbox"/> the contact person in Item 6 or <input type="checkbox"/> the contact person listed in Item 12</p> <p>Your RFP Identifier:</p>									
<p>b <input type="checkbox"/> NO, I have not released and do not intend to release an RFP for these services.</p>									
<p>Whether you check YES or NO, you must list below the Basic Maintenance services you seek. Specify each service (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers).</p>									
<table border="1"> <thead> <tr> <th>Service</th> <th>Quantity and/or Capacity</th> </tr> </thead> <tbody> <tr> <td>Basic maintenance</td> <td>Please quote an hourly rate for 250 hours of as-needed maintenance of network infrastructure</td> </tr> </tbody> </table>				Service	Quantity and/or Capacity	Basic maintenance	Please quote an hourly rate for 250 hours of as-needed maintenance of network infrastructure		
Service	Quantity and/or Capacity								
Basic maintenance	Please quote an hourly rate for 250 hours of as-needed maintenance of network infrastructure								

Entity Number: 151489		Applicant's Form Identifier: ESSX-15-01					
Contact Person: Daniel E. Riordan		Phone Number: (732) 530-5435					
12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This person does not need to be the contact person(s) listed in Item 6 nor the Authorized Person who signs this form. Name: Title: Telephone Number: Fax Number: Email Address: Re-enter E-mail Address:							
13 <input checked="" type="checkbox"/> Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures and/or provide an Internet address where they are posted and a contact name and telephone number. <input type="checkbox"/> Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this FCC Form 470. If you are requesting services for a funding year for which an FCC Form 470 cannot yet be filed online, include that information here. All purchases must comply with NJ state laws.							
Block 3:							
14. [Reserved]							
Entity Number: 151489		Applicant's Form Identifier: ESSX-15-01					
Contact Person: Daniel E. Riordan		Contact Phone Number: (732) 530-5435					
Block 4: Recipients of Service							
15 Billed Entities List the entity/entities that will be paying the bills directly to the provider for the services requested in this form. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your FCC Form 471 is not listed below, funding may be denied for the funding requests associated with this FCC Form 470. Attach additional pages if needed. <table border="1"><thead><tr><th>Entity Number</th><th>Entity Name</th></tr></thead><tbody><tr><td>151489</td><td>ESSEX COUNTY VOCATIONAL SCHOOLS</td></tr></tbody></table>				Entity Number	Entity Name	151489	ESSEX COUNTY VOCATIONAL SCHOOLS
Entity Number	Entity Name						
151489	ESSEX COUNTY VOCATIONAL SCHOOLS						
Entity Number: 151489		Applicant's Form Identifier: ESSX-15-01					
Contact Person: Daniel E. Riordan		Contact Phone Number: (732) 530-5435					
Block 5: Certifications and Signature							
16 I certify that the applicant includes: (Check one or both.) <table border="0"><tr><td>a <input checked="" type="checkbox"/></td><td>schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or</td></tr><tr><td>b <input type="checkbox"/></td><td>libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).</td></tr></table>				a <input checked="" type="checkbox"/>	schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801 (18) and (38) , that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or	b <input type="checkbox"/>	libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).
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b <input type="checkbox"/>	libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools (including, but not limited to elementary and secondary schools, colleges, and universities).						
17 [Reserved]							
18 <input checked="" type="checkbox"/> I certify that I will post my FCC Form 470 and (if applicable) make any applicable RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology goals.							
19 <input checked="" type="checkbox"/> I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the form for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.							
20 <input checked="" type="checkbox"/> I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500, and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. § 54.513. Additionally, I certify that the entity or entities listed on this form have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.							
21 <input checked="" type="checkbox"/> I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that I have considered what financial resources should be available to cover these costs.							
22 <input checked="" type="checkbox"/> I certify that I am authorized to procure eligible services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this form, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.							
23 <input checked="" type="checkbox"/> I certify that I have reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form may be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.							
24 <input checked="" type="checkbox"/> I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.							
Entity Number: 151489		Applicant's Form Identifier: ESSX-15-01					
Contact Person: Daniel E. Riordan		Contact Phone Number: (732) 530-5435					
25 Signature of authorized person: <input checked="" type="checkbox"/>		26 Date: 02/25/2015					
27a Printed name of authorized person: Daniel E. Riordan							
27b Title or position of authorized person: President <input checked="" type="checkbox"/> Check here if the consultant in Item 7 is the Authorized Person.							
27c Street Address, P.O. Box, Route Number, City, State, Zip Code: 53 Elm Place City: Red Bank State: NJ Zip Code: 07701							
27d Telephone Number of Authorized Person: (732) 530-5435							
27e Fax Number of Authorized Person: (732) 530-0606							
27f E-mail Address of Authorized Person: dan@on-tech.com Re-enter E-mail Address: dan@on-tech.com							
27g Name of Authorized Person's Employer: On-Tech Consulting, Inc.							
Service provider involvement with preparation or certification of an FCC Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the Schools and Libraries area of the USAC web site at www.usac.org/sl or call the SLD Client Service Bureau at 1-888-203-8100.							

Entity Number: 151489	Applicant's Form Identifier: ESSX-15-01
Contact Person: Daniel E. Riordan	Phone Number: (732) 530-5435
<p>NOTICE: In accordance with Section 54.503 of the Federal Communications Commission's rules, certain schools and libraries ordering services that are eligible for and seeking universal service discounts must file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.503(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.503. Schools and libraries must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.</p> <p>If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your form without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, <i>et seq.</i></p> <p>Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p>	

FCC Form 470
October 2014

[New Search](#)

[Return To Search Results](#)

Applicant: ESSEX COUNTY VOCATIONAL SCHOOLS
Billed Entity Number: 151489
Date Submitted: Apr 16, 2015

Application Number: 1037270
Nickname: ESSX-15-01
Date Certified: Apr 16, 2015

Original Form Data ✓

Current Form Data

Basic Information

Expand All Collapse All Scroll to Top

Billed Entity

Name of Billed Entity: ESSEX COUNTY VOCATIONAL SCHOOLS
Billed Entity Number: 151489
FCC Registration Number: 0007940273
Address 1: 60 NELSON PL
City: NEWARK **State:** NJ **Zip Code:** 07102
Telephone Number: (973) 412-2050 **Ext:** None Provided
Fax Number: (973) 412-2100

Application Type and Recipients of Service

Type of Application: District
Recipients of Services: Public
Submitter's Email Address: essx15@on-tech.com

Contact Information

Consultant Registration Number: 16043646
Consultant Name: Dan Riordan
Is a consultant acting as the contact person for this application? Yes
Contact Person's Name: Dan Riordan
Contact Person's Email Address: form471@on-tech.com
Is the contact person's address the same as that of the Billed Entity? No
Contact Person's Address: On-Tech Consulting Inc 53 Elm Place
City: Red Bank **State:** NJ **Zip Code:** 07701
Contact Person's Telephone Number: (732) 530-5435 **Ext:** 0
Contact Person's Fax Number: (732) 530-0606
Correspondence Address: Consultant Address
Name of person to receive correspondence: Dan Riordan
Holiday / Summer Contact Information:

Discount Calculation

Expand All Collapse All Scroll to Top

Funding Request Category: Category 1

Page 1 of 1 Page Size: 5

ESSEX COUNTY VOCATIONAL SCHOOLS - 151489

Page 1 of 1 Page Size: 5

Connectivity Questions

Funding Requests

Expand All Collapse All Scroll to Top

Page 1 of 2 Page Size: 5

AT&T - 2824119

Verizon NJ - 2824189

Key Information

Duplicate Funding Request Number:

Service Type: VOICE SERVICES

Form470 Number: 333380001288695

Exempt470 Reason:

SPIN (Service Provider Identification Number): 143001362

SPIN Name: Verizon New Jersey Inc

Billing Account Number: 973 481-3507 013 19Y, 973 482-7294 390 03Y, 973 483-5466 269 13Y, 973 575-7740 036 71Y, 973 622-0626 635 33Y, 973 622-1100 032 60Y, 973 623-0876 175 61Y, 973 623-5764 038 04Y, 973 642-3100 371 088, 973 748-3305 572 96Y, 973 882-6486 230 43Y, 973 227-0424 582 00Y, 973 228-0377 022 30Y, 201 X51-7429 685 19Y, 973 259-0158 899 13Y, 973 281-9023 580 34Y, 973 281-9024 581 07Y, 973 429-2222 045 41Y, 973 429-8888 121 57Y

Purchase Type: MONTHLY

When will the services start? 07/01/2015

When will the services end? 06/30/2016

Narrative:

Local and long distance telephone service for 159 lines

Is there a statute, rule, or other restriction which prohibits publication of the pricing information? No

Type of restriction:

Restriction Citation:

Item 21 Details

Page 1 of 1 Page Size: 5

FRN Line Item Number	Service Type	Product Type	Purpose	Lines	Upload Speed	Burst Bandwidth?	Last Mile?	Firewall?	Monthly Cost Eligible	One Time Cost Eligible	Extended Cost
					Download Speed	Burst Speed		WAN?	Ineligible	Ineligible	

1	Voice Service	Local/Long Distance Service	Voice	159	No	No	No	\$6,639.36	\$0.00	\$79,672.32
							No	\$0.00	\$0.00	

Item 21 Details

Funding Request Summary

Total Post Discount Request: \$55,770.62

Monthly Charges

Total Charges:	\$6,639.36 (monthly)
Ineligible charges:	- \$0.00 (monthly)
Eligible monthly pre-discount amount:	\$6,639.36
Total number of months of service:	x 12
Total annual recurring charges:	\$79,672.32

Total One-time Charges

Total Charges:	\$0.00
Ineligible charges:	- \$0.00
Eligible annual pre-discount amount:	\$0.00

Total Requested Amount

Total eligible charges:	\$79,672.32
Discount Rate:	x 70%
Funding Commitment Request:	\$55,770.62

Verizon NJ - 2824189

Verizon Wireless - 2824214

Net Access - 2825165

Verizon Business DTS & Internet - 2825177

Certifications & Signatures

Expand All

Collapse All

Scroll to Top

I certify that the entities listed in Block 4 of this application are eligible for support because they are:

- ✓ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

✓ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

A	Total funding year pre-discount amount on this FCC Form 471	\$677,522.16
B	Total funding commitment request amount on this FCC Form 471	\$583,401.31
C	Total applicant non-discount share	\$94,120.85
D	Total budgeted amount allocated to resources not eligible for E-rate support	\$0.00
E	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resource necessary to make effective use of the discounts	\$94,120.85

☐ Check this box if you are receiving any of the funds in Item E directly from a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the FCC Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item E.

✓ I certify that an FCC Form 470 was posted and that any related RFP was made available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology goals.

✓ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

✓ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes, see 47 C.F.R. § 54.500 and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

✓ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts or other legally binding agreements covering all of the services listed on this FCC Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

✓ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

✓ I certify that I will retain required documents for a period of at least 10 years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

✓ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

✓ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

✓ I certify that if any of the Funding Requests on this FCC Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

✓ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this FCC Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

Authorized Person

Name of authorized person: Dan Riordan

Title or position of authorized person: President

Street address, P.O. Box or Route Number of authorized person (1):
On-Tech Consulting Inc

Street address, P.O. Box or Route Number of authorized person (2):
53 Elm Place

City of authorized person: Red Bank

State: NJ

Zip code of authorized person: 07701

Telephone number: (732) 530-5435

Ext.: 0

Fax number of authorized person: (732) 530-0606

Email address of authorized person: dan@on-tech.com

Name of authorized person's employer: On-Tech Consulting Inc

Back



Notification of Commitment Adjustment Letter

Funding Year 2015: July 1, 2015 - June 30, 2016

April 28, 2017

Bernetta Davis
ESSEX COUNTY VOCATIONAL SCHOOLS
60 Nelson Pl

Newark, NJ 07102

MAY 05 2017

Re: Form 471 Application Number:	1037270
Funding Year:	2015
Applicant's Form Identifier:	ESSX-15-01
Billed Entity Number:	151489
FCC Registration Number:	0007940273
SPIN:	143001362
Service Provider Name:	Verizon New Jersey Inc
Service Provider Contact Person:	Robert Kannegieser

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Robert Kannegieser
Verizon New Jersey Inc

Funding Commitment Adjustment Report for
Form 471 Application Number: 1037270

Funding Request Number:	2824189
Services Ordered:	VOICE SERVICES
SPIN:	143001362
Service Provider Name:	Verizon New Jersey Inc
Contract Number:	MTM
Billing Account Number:	973 481-3507 013 19Y
Site Identifier:	151489
Original Funding Commitment:	\$55,770.62
Commitment Adjustment Amount:	\$55,770.62
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$54,658.64
Funds to be Recovered from Applicant:	\$54,658.64
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. The FCC Form 470 cited as the establishing Form 470 for the services requested in the FRN, FCC Form 470#333380001288695, did not include the service(s) (basic local/long distance phone service) for which funding was sought in the FCC Form 471 application, which is a violation of the FCCs competitive bidding rules. FCC rules require that, except under limited circumstances, all eligible schools and libraries shall seek competitive bids for all services eligible for support by submitting a complete FCC Form 470 to USAC web site for potential service providers to evaluate. Since the services for which you sought funding were not properly posted to the website for competitive bidding, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Bernetta Davis
ESSEX COUNTY VOCATIONAL SCHOOLS
60 Nelson Place
Newark, NJ 07701



E-Rate Funding—Guaranteed

On-Tech Consulting, Inc.
53 Elm Place
Red Bank, NJ 07701
Voice: (732) 530-5435
Fax: (732) 530-0606
www.on-tech.com
info@on-tech.com

June 26, 2017

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

The Essex County Vocational School District hereby appeals the Notification of Commitment Adjustment Letter received on May 5, 2017.

BEN: 151489

Entity Name: Essex County Vocational School District

The person who can most readily discuss this with you is the district's E-Rate consultant:

Name:	Dan Riordan	Phone:	732-530-5435
Address:	53 Elm Place	Fax:	732-530-0606
	Red Bank, NJ 07701	Email:	dan@on-tech.com

Funding information:

Funding Year: 2015
Form 471 #: 1037270
FRN: 2824189

The district planned to move to VoIP for Funding Year 2015, and so Form 470 #333380001288695 listed VoIP phone service for 240 lines. Of course, the FCC requirement that applicants be technology-neutral in evaluating bids meant that the district had to consider all voice services. After reviewing the bids which came in, the district decided that its existing service was the most cost-effective phone service offering.

Please reinstate the funding for this FRN.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Daniel P. Riordan". The signature is fluid and cursive, with the first name "Daniel" and last name "Riordan" clearly legible.

Dan Riordan
President



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

July 26, 2017

Dan Riordan
On-Tech Consulting, Inc.
53 Elm Place
Red Bank, NJ 07701

Re: Applicant Name: ESSEX COUNTY VOCATIONAL
SCHOOLS
Billed Entity Number: 151489
Form 471 Application Number: 1037270
Funding Request Number(s): 2824189
Your Correspondence Dated: June 26, 2017

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's decision to adjust the funding commitment amount for the FCC Form 471 Application and funding request number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2824189
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, USAC determined to rescind the funds committed under the above listed Funding Request Number (FRN) in full. The FCC Form 470 cited as the establishing Form 470 for the services requested in the FRN, FCC Form 470#333380001288695, did not include the service(s) (basic local/long distance phone service) for which funding was sought in the FCC Form 471 application, which is a violation of the FCC's competitive bidding rules. FCC rules require that, except under limited circumstances, all eligible schools and libraries shall seek competitive bids for all services eligible for support by submitting a complete FCC Form 470 to USAC web site for potential service providers to evaluate. Since the services for which you sought funding were not properly posted to the website for competitive bidding, the commitment has been

rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules require that all products and services for which an applicant requests discounts on an FCC Form 471 must be competitively bid on an FCC Form 470. The FCC Form 470 must include a complete description of the services for which discounts are sought, be posted on the website for 28 days, and applicants must carefully consider all bids received before selecting a vendor, entering into a legally binding agreement or signing a contract, and signing and submitting an FCC Form 471. *See* 47 C.F.R. secs. 54.503(b) and (c), 54.511(a). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company